

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONY WELCH,

§
§

CIVIL ACTION NO.

4:19cv4645

Plaintiff,

§

§

v.

§

TEXAS ATTORNEY

§

GENERAL AND DIANNA WESLEY

§

Defendants

§

United States Courts
Southern District of Texas
FILED

NOV 26 2019

David J. Bradley, Clerk of Court

**COMPLAINT FOR DECLARATORY JUDGMENT, APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND INJUNCTIVE RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Anthony Welch complains of actions recently taken the Defendants the Texas Attorney General requests a Temporary Restraining Order, injunction, declaratory relief, compensation, exemplary damages, costs and attorney's fees and for cause of action respectfully show the Court the following:

I. NATURE OF THE ACTION

1. On November 27, 200, Plaintiff was ordered to pay child support for the benefit of Robert Aaron Wesley, DOB: 03/18/2000 by the 387th District Court of Fort Bend County. This Order was modified by the 387th District Court of Fort Bend on March 21, 2018. An agreement was reached between the parties that the Plaintiff had unpaid child support arrears in the amount of \$76,708.75 as of February 28, 2018. Plaintiff was to make monthly payments of \$560.00 to Defendant, Dianna Wesley beginning April 1, 2018. Plaintiff states he has been and is current on these monthly payments.

2. Additionally, since April 1, 2018, Plaintiff has tendered to Defendant, Dianna Wesley the sum of approximately \$20,000.00 as additional payments for those arrears.

3. Defendant, The Attorney General of Texas placed a wrongful levy on the Plaintiff's bank account pursuant to the Notice of Levy dated October 30, 2019. The amount of \$4839.86 was wrongfully garnished from Plaintiff's financial account on November 4, 2019.

II. JURISDICTION AND VENUE

4. The Court has jurisdiction over this suit under 28 U.S.C. §1331 because Plaintiff asserts claims based on the United States Constitution. This Court also has jurisdiction over this suit under 28 § 1343(a)(3) because Plaintiff is seeking to redress the deprivation of his rights secured by the United States Constitution and is seeking a declaratory judgment pursuant to 28 U.S.C. § 2201. In addition, this Court has jurisdiction under 28 U.S.C. § 1332(a)(1), as Defendant, Dianna Wesley resides in the District of Columbia and the amount in controversy is over \$75,000.00.

5. Venue is proper in the Southern District of Texas because the events forming the basis of this suit occurred in this District, and Plaintiff resides in this District.

II. PARTIES

6. Plaintiff is an individual residing in Harris County, Texas.

7. Defendant, Dianna Wesley is an individual residing in the District of Columbia and maybe served with process at 1020 Hamilton Street, NE, Washington, DC 20011.

8. Defendant, the Texas Attorney General acting under the color of law and maybe served with process at 300 W. 15th Street, Austin, TX 78701.

IV. FACTUAL ALLEGATIONS

9. Defendant, Dianna Wesley by and through the action of Defendants, the Attorney General of Texas placed a wrongful levy on the Plaintiff's bank account on November 4, 2019.

V. CAUSES OF ACTION

A. Improper Levy

10. Defendants have wrongfully placed a lien on Plaintiff's financial accounts. The Plaintiff and the Defendants entered into an agreement for monthly payments on his arrears and if those payments were current then no garnishments would take place. The Agreed Judgment signed between the parties is ambiguous and misleading.

B. Declaratory Judgment (As to Procedural Defects)

11. As a result of Defendants' discriminatory and unlawful actions described above, Plaintiff has suffered extreme mental and emotional hardship. These events have caused Plaintiffs extreme physical and emotional damage.

12. At all times, Defendants acted under color of state law.

13. Plaintiff re-allege and incorporate by reference all of the preceding paragraphs in this complaint.

14. Defendants Dianna Wesley and the Texas Attorney General are liable pursuant to 42 U.S.C., sec. 1983 and Amendments to the United States Constitution, as applied to the States by the Fourteenth Amendment, for promulgating, implementing, ratifying, enforcing, and/or delegating final decision making over rules and acts that deprived Plaintiffs of their rights to equal protection of the law and discriminated against Plaintiffs. In depriving Plaintiffs of his rights, Defendants acted under color of state law. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C., Sec. 1983.

PRAYER FOR RELIEF

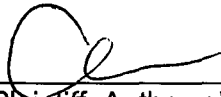
1. Release the hold on Plaintiff's financial accounts and return all funds wrongfully garnished;

2. Pay all attorney fees and bank charges Plaintiff has incurred; and
3. And any such other relief that the law allows.

Wherefore, Plaintiff respectfully prays for the following relief:

That a temporary restraining order will be issued, restraining Defendants, or any of them, Defendants' officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly from placing any levy on Plaintiff's financial account; that all financial accounts levies be released and for an Entry of judgment for Plaintiff against Defendants for compensatory damages and exemplary damages in an amount to be determined at trial to compensate Plaintiff for the attorney's fees, costs and damages caused by Defendant's actions, as well as the mental and physical health damages and other repercussions that he have suffered. Plaintiff have such further and other relief, general and special, both at law or in equity, to which they may show themselves to be justly entitled.

Respectfully submitted,



Plaintiff, Anthony Welch, Pro Se
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